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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

WEST MARINE, INC.,

Plaintiff,

vs.

WATERCRAFT SUPERSTORE, INC.,

Defendant.

Case No.: 5:11-04459 HRL

**STIPULATION TO EXTEND EXPERT  
 DISCOVERY DEADLINES IN LIGHT  
 OF CONTINUING NEGOTIATIONS  
 REGARDING SETTLEMENT**

Judge: Magistrate Judge  
 Howard R. Lloyd

AND RELATED COUNTERCLAIMS

**STIPULATION AND ~~[PROPOSED]~~ ORDER**

WHEREAS, pursuant to the Court's March 1, 2013 order (Docket No. 92), the deadline to submit rebuttal expert reports is currently set for March 8, 2013;

WHEREAS, the parties, Plaintiff West Marine, Inc. ("West Marine") and Defendant Watercraft Superstore, Inc. ("Watercraft"), have reached a tentative agreement concerning the settlement of all claims in this action, and are continuing to negotiate the terms of that agreement;

WHEREAS, in light of this tentative agreement, the parties have stipulated, subject to approval of the Court, to extend the rebuttal expert report deadline and the related cut-off for expert discovery by five business days;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between West Marine and Watercraft, through their counsel of record, as follows:

1. The deadline to submit rebuttal expert reports, currently scheduled for March 8, 2013, will be extended to March 15, 2013;

2. The expert discovery cutoff, currently scheduled for March 18, 2013, will be extended to March 22, 2013;

3. The parties will apprise the Court of any further developments regarding settlement.

Dated: March 5, 2013

Respectfully submitted,

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: /s/ Allen Ruby

ALLEN RUBY

Attorneys for Defendant

WATERCRAFT SUPERSTORE, INC.

I, Allen Ruby, am the ECF User whose ID and password are being used to file this Stipulation To Extend Expert Discovery Deadlines In Light Of Continuing Negotiations Regarding Settlement and [Proposed] Order. In compliance with General Order 45, X.B., I attest that the following signatory has concurred in this filing.

1 DATED: March 5, 2013

GREENBERG TRAURIG, LLP

2  
3 By: /s/ Wendy M. Mantell  
4 WENDY M. MANTELL  
5 Attorneys for Plaintiff  
6 WEST MARINE, INC.  
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8 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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10 DATED: March 8, 2013

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13 HON. HOWARD R. LLOYD  
14 UNITED STATES DISTRICT COURT  
15 MAGISTRATE JUDGE  
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